

BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD

NAM LE)	
Claimant)	
VS.)	
)	Docket No. 1,057,643
ARMOUR ECKRICH MEATS)	
Respondent)	
AND)	
)	
SAFETY NATIONAL CASUALTY CORP.)	
Insurance Carrier)	

ORDER ON REMAND

On October 24, 2014, the Kansas Court of Appeals reversed and remanded the Appeals Board's October 15, 2013, Order with directions to reinstate the ALJ's Award, based upon the finding that claimant was permanently and totally disabled and to reinstate the ALJ's award of future medical treatment and future pain management.

APPEARANCES

Jeff K. Cooper, of Topeka, Kansas, appeared for the claimant. Matthew J. Schaefer, of Wichita, Kansas, appeared for respondent and its insurance carrier.

RECORD AND STIPULATIONS

The record and stipulations remain the same as were contained in the Board's Order of October 15, 2013.

ISSUES

The issues were listed in the Board's Order of October 15, 2013. However, as this matter has been remanded to the Board by the Kansas Court of Appeals, with specific instructions on how those issues are to be determined, a listing of the issues is unnecessary.

This matter has been remanded to the Board by the Kansas Court of Appeals with instructions to reinstate the Award of the ALJ, including the right to future medical treatment and pain management. The Award of the ALJ is reinstated per instruction.

CONCLUSIONS

As directed by the Kansas Court of Appeals, the Appeals Board adopts the June 3, 2013, Award of the ALJ that claimant is permanently and totally disabled. However, the Board notes the Award of the ALJ incorrectly utilized \$125,000.00 as the maximum for a permanent total disability award. The permanent total disability compensation maximum applicable for a date of accident after May 15, 2011, is \$155,000.00. Claimant is entitled to 9.71 weeks of temporary total disability compensation at the rate of \$507.16 per week or \$4,924.52, followed by permanent total disability compensation at the rate of \$507.16 per week for a total award not to exceed \$155,000.00. Respondent shall provide claimant with future medical treatment upon application to the Director and pain management medical care as ordered by the ALJ.

AWARD

WHEREFORE, it is the finding, decision and order of the Board that the Award of Administrative Law Judge Rebecca Sanders dated June 3, 2013, is affirmed in finding claimant permanently and totally disabled. Respondent shall provide claimant with future medical treatment upon application to the Director and pain management medical care as ordered by the ALJ.

Claimant is entitled to 9.71 weeks of temporary total disability compensation at the rate of \$507.16 per week or \$4,924.52, followed by permanent total disability compensation at the weekly rate of \$507.16 per week for a total award not to exceed \$155,000.00.

As of June 4, 2015, there is due and owing, 9.71 weeks of temporary total disability compensation at the rate of \$507.16 per week in the sum of \$4,924.52, followed by 188.43 weeks of compensation at the rate of \$507.16 per week totaling \$95,564.16 for a total due and owing of \$100,488.68, minus any amounts already paid, followed by 107.48 weeks of compensation at the rate of \$507.16 per week for a total award not to exceed \$155,000.00.

IT IS SO ORDERED.

Dated this _____ day of June, 2015.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

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Rebecca Sanders, Administrative Law Judge